

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

WHOLE WOMAN'S HEALTH, et al.,	§	
<i>Plaintiffs,</i>	§	
	§	
v.	§	Civil Action No. 1:16-cv-01300-DAE
	§	
JOHN HELLERSTEDT, M.D.,	§	
<i>Defendant.</i>	§	

**DEFENDANT'S UNOPPOSED MOTION FOR EXTENSION OF TIME
TO RESPOND TO PLAINTIFFS' SECOND MOTION FOR
A PRELIMINARY INJUNCTION, OR IN THE ALTERNATIVE
A TEMPORARY RESTRAINING ORDER**

TO THE HONORABLE U.S. DISTRICT JUDGE DAVID ALAN EZRA:

Defendant John Hellerstedt, M.D., in his official capacity as Commissioner of the Texas Department of State Health Services (Defendant), files this Unopposed Motion for Extension of Time to Respond to Plaintiffs' Second Motion for a Preliminary Injunction, or in the Alternative a Temporary Restraining Order (Second Motion for a Preliminary Injunction). *See* DE 96.

Plaintiffs filed their First Amended Complaint on December 22, 2017. *See* DE 93. On January 3, 2018, Plaintiffs filed their Second Motion for a Preliminary Injunction. *See* DE 96. Due to the nature of the issues involved in this case, the parties agreed to exceed the page limitations for their briefing related to Plaintiffs' Second Motion for a Preliminary Injunction. *See* DE 95 (Joint Motion to Exceed Page Limits); DE 97 (Order Granting Joint Motion to Exceed Page Limits). Defendant filed his Second Amended Answer to Plaintiffs' First Amended Complaint today. *See* DE 100.

Plaintiffs' Second Motion for a Preliminary Injunction raises numerous issues regarding the constitutionality of various statutory and regulatory provisions governing the disposition of embryonic and fetal tissue remains. Defendant wishes to provide this Court with thorough briefing on these important issues. Accordingly, Defendant requests this Court to extend Defendant's deadline to file a Response to Plaintiffs' Second Motion for a Preliminary Injunction to **Wednesday, January 17, 2018**.

This request is not sought for purpose of delay and will not prejudice any parties to this case. Counsel for Defendant has conferred with Plaintiffs' counsel regarding the relief requested in this Motion. Plaintiffs' counsel does not oppose the requested extension, provided that Defendant notify the Court of the following: (1) Plaintiffs requested Defendant to agree to a one-week Temporary Restraining Order "as an accommodation to the Court," and Defendant did not agree to that request; and (2) Plaintiffs intend to file a Reply to Defendant's Response within the time contemplated by the applicable rules.

CONCLUSION AND PRAYER

For the foregoing reasons, Defendant requests this Court to extend the deadline for Defendant to file a Response to Plaintiffs' Second Motion for a Preliminary Injunction to **Wednesday, January 17, 2018**.

Respectfully submitted,

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Counsel for Defendant

CERTIFICATE OF CONFERENCE

I certify that on January 5, 2018, I conferred with David Brown, counsel for Plaintiffs, regarding the relief requested in this Motion. Plaintiffs' counsel is unopposed to the relief requested in this Motion.

/s/ Benjamin S. Walton
BENJAMIN S. WALTON
Assistant Attorney General

CERTIFICATE OF SERVICE

I hereby certify that on January 5, 2018, a true and correct copy of this document was electronically filed using the Court's CM/ECF system, which will send notification of such filing to the following counsel of record:

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